

REMARKS

The December 16, 2003 Office action and the March 1, 2004 Advisory Action have been carefully considered. No claims have been amended. No new matter has been introduced. Reconsideration and allowance of the present application in view of the following remarks are respectfully requested.

Applicant thanks Examiner Choi for the courtesy extended to applicant's representative, Karen G. Horowitz, during the telephone interview of March 16, 2004. During the interview, the disclosure of German Utility Model DE 297 06 022 (DE '022) was discussed in view of MPEP §2125. Another copy of the translation of DE '022 is enclosed with relevant disclosure in support of applicant's position circled. It is respectfully submitted that DE '022 only discloses a shaver head that swivels (*i.e.*, a pivotable shaver head) and does not disclose a shaver head that exhibits a movement towards and away from a handle as claimed. Moreover, the claims of the present application are specifically directed to movement of the shaver head. The directional arrows that the Examiner has referenced are clearly defined in the specification as indicative of directions of forces, and are not indicative of the movement of the swivel head. Therefore, the arrows do not disclose or even suggest the claimed motion.

In view of the above further explanation of DE '022, applicant respectfully requests that the Examiner reconsider the previous remarks made in support of the patentability of the pending claims, reproduced below (with some additional remarks added in view of the telephone interview and the above further explanation of DE '022) for the Examiner's convenience.

TRAVERSAL OF CLAIM REJECTIONS

Claims 1-5, 7-9, 11-16, 18-22, 24-27, 29-31, 33-35, 37, and 41 have been rejected under 35 U.S.C. § 102(b) as being anticipated by DE '022. This rejection is respectfully traversed.

Applicant respectfully disagrees with the Examiner's finding that DE '022 discloses all of the recited elements of the present invention. DE '022 does not teach nor suggest a connector assembly movably coupling the handle to the shaving head to permit the shaving head to exhibit a first movement toward and away from the handle, as recited in independent claims 1, 14, 25, 33, and 41. Thus, independent claims 1, 14, 25, 33, and 41 and all claims

depending therefrom cannot be anticipated by DE '022 under 35 U.S.C. § 102. To anticipate a claim, the reference must teach every element of the claim: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987); "The identical invention must be shown in as complete detail as is contained in the ... claim," *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 1913, 1920 (Fed. Cir. 1989).

The Examiner relied on the drawings of DE '022, particularly Figs. 4-5. It is respectfully submitted that when a reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on the measurement of the drawing features are of little value. *See Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ 2d 1487, 1491 (Fed. Cir. 2000). "([I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue."). Thus, any arrangement and spacing of elements only illustrated in the drawings, but not described in the specification, cannot be relied upon as teaching the above-noted claimed features of the present invention. Because the swivel head 5 is illustrated in broken lines in Fig. 5, and the drawings are not necessarily drawn to scale, it is respectfully submitted that the drawings cannot be relied upon to intentionally show a "gap." Such spacing between an illustrative element and an element of the invention cannot be taken as drawn to scale and thus cannot even be understood as a "gap" in the first place, particularly since there is no indication in the specification that such a spacing is intended to be large enough to constitute a functional gap. Such understanding thus would only be based on impermissible hindsight in view of applicant's invention.

Additionally, the drawings cannot be interpreted without reference to the specification, particularly if the specification clearly explains what is shown in the drawings. The interpretation of the drawings thus should not be in direct contradiction to what is described in the specification. As indicated in the marked-up copy of the translation of DE '022, the arrows illustrated in the drawings indicate restoring forces and do not indicate movement of the shaver head. Accordingly, DE '022 does not show or suggest the movement of the shaver head claimed in all of the pending claims.

For the above reasons, withdrawal of the rejection under 35 U.S.C. § 102(b), and reconsideration and allowance of the pending claims are respectfully requested.

Claim 6 has been rejected under 35 U.S.C. § 103 as being obvious over DE '022. This rejection is respectfully traversed.

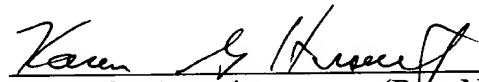
As discussed above, independent claim 1 is allowable over DE '022. Therefore, claim 6, which ultimately depends from independent claim 1, is also allowable. Withdrawal of this rejection and allowance of claim 6 accordingly are respectfully requested.

In view of the above remarks, it is respectfully submitted that all rejections of the claims have been overcome and that all pending claims are in condition for allowance. An issuance of a Notice Of Allowance is accordingly respectfully requested. Should the Examiner disagree, then a personal or telephonic interview with the undersigned is respectfully requested to discuss any remaining issues and to expedite the allowance of this application.

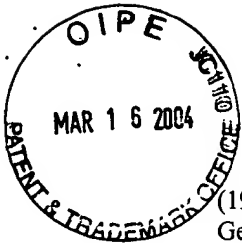
No fee is believed to be due for this response. Should any fee be required, please charge such fee to Jones Day Deposit Account No. 503013.

Respectfully submitted,

Date: March 16, 2004


Karen G. Horowitz (Reg. No. 35,199)

JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939



(19) Federal Republic of Germany
German Patent Office

(12) Utility model
(10) DE 297 06 022 U1

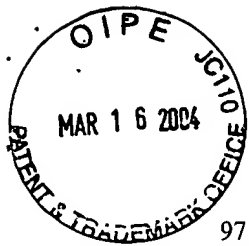
(21) File No.: 297 06 022.8
(22) Application date: 4 Apr 97
(47) Registration date: 28 May 97
(43) Date published in the Patent Journal: 10 Jul 97

(51) Int. Cl.: B 26 B 19/04

(73) Proprietor:
Merkur Stahlwaren GmbH & Co. KG, 42719 Solingen, DE

(74) Attorney:
Pürckhauer, R. Dipl.-Ing., Patent Atty, 57234 Wilnsdorf

(54) Manual razor



97 325 Pü/Bi
Merkur Stahlwaren GmbH & Co. KG

Specification

Title: Manual razor

The invention concerns manual razors with an adapter for mounting interchangeable double-blade swivel heads, wherein the adapter, fashioned in the form of a clamping strip, which is made as a single injection molded piece from an elastic, shatterproof plastic, can be inserted in a receiving groove of a head piece molded onto a handle, with elastic claws, which grasps the two ends of the head piece and has fastening elements for the pivoted mounting of a double-blade swivel head.

Such manual razors, familiar from DE 85 15 325.7 U1, with a double-blade swivel head or a system blade, allow for an especially clean shave thanks to the swinging operation of the double-blade head, which ensures an optimal shaving position of the blades relative to the surface of the skin during the shaving.

The purpose of the invention is to improve the fastening technique of the generic manual razor for the two double-blade swivel head products primarily available on the market.

This purpose is accomplished according to the invention by the two manual razors per claim 1 and claim 2.

The new manual razors, which can easily be outfitted with the adapter required for the particular double-blade swivel head product, enable a fast and secure fastening of the double-blade swivel heads to the particular adapter, mounted on the head piece of the razor.

The two embodiments of the razor according to the invention are explained hereafter by means of drawings, which show the following, each time in a magnified representation:

Fig. 1, a magnified side view of the head region of the first embodiment of the new razor,

Fig. 2, a cross section through the double-blade swivel head, the adapter, and the head piece of the razor along line II-II of Fig. 1,

Fig. 3, a top view of the adapter, and

Fig. 4 to 6, representations of the second embodiment of the new manual razor, corresponding to Fig. 1 to 3.

In the following description of the two manual razors, the same or similar parts are identified by the same reference numbers.

The manual razor 1 per Fig. 1 to 3 consists of a handle 2 with a head piece 3, an adapter 4 produced as an injection molded plastic piece, and a double-blade swivel head 5, also known as a system blade, with two steel blades 6, 7, being likewise produced as an injection molded piece.

The adapter 4 of an elastic, shatterproof plastic, fashioned in the form of a clamping strip 9, is set into a receiving groove 10 of the head piece 3 on the handle 2 and grasps the two ends of the head piece 3 with elastically fashioned claws 11, 12, wherein the two claws 11, 12 enable an easy clipping of the adapter 4 onto the head piece 3 and removal from it.

On the upper side 13 of the clamping strip 9 of the adapter 4 there are formed two spaced-apart, perpendicular, elastically fashioned clamping legs 14, 15, each one having at its free end an angled peg 16, 17, directed toward one end of the clamping strip 9.

When clipping the double-blade swivel head 5 onto the adapter 4, the two pegs 16, 17 of the clamping legs 14, 15 lock into corresponding recesses 18, 19 of the swivel head 5. The pegs 16, 17 serve as journals for the swivel mounting of the double-blade swivel head 5.

Between the two clamping legs 14, 15 there is formed a spring tongue 20 on the upper side 13 of the clamping strip 9 of the adapter 4. The spring tongue 20, when the double-blade swivel head 5 is moved out of its starting position 5a into an optimal shaving position 5b determined by the contour of the skin surface and the attitude of the handle 2 of the razor 1, exerts a restoring force R on the swivel head 5 in the direction of the arrow "a" perpendicular to its swivel axis 21-21, so that the swivel head 5 during shaving automatically assumes the optimal shaving position 5b, which changes with the contour of the skin surface, by exerting slight pressure through the handle 2, and when the razor 1 is lifted off the skin it automatically swivels back into its starting position 5a.

In the second embodiment of the manual razor 22, per Fig. 4 to 6, there are formed on the upper side 13 of the clamping strip 9 of the adapter 4 two spaced-apart, perpendicular stanchions 23, 24 with bearing shells 25, 26 for the swiveled mounting of a double-blade swivel head 5, which is mounted with corresponding bearing segments 27, 28 so that it can swivel on the bearing shells 25, 26.

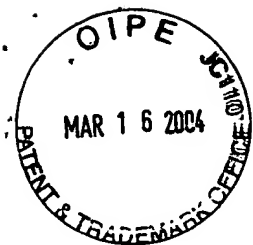
The double-blade swivel head 5 is fastened (so as to be removable) to the adapter 8 by elastic claws 29, 30 molded on the head, which reach behind the bearing shells 25, 26.

Between the stanchions 23, 24 with the bearing shells 25, 26 there is formed a spring stirrup 31 on the upper side 13 of the clamping strip 9 of the adapter, and on the lower side 32 of the double-blade swivel head 5 there is arranged a driver 33 slanting downwards on both sides, in order to deflect the spring stirrup 31 to the side "b, c" as the double-blade swivel head 5 swivels during the shaving process, such that a restoring force R acts on the swivel head 5 transversely to its swivel axis 21-21 and oppositely to the deflection "b, c" of the spring stirrup 31.



Reference numbers

- 1 manual razor (Fig. 1 to 3)
- 2 handle
- 3 head piece on 2
- 4 adapter (Fig. 1-3)
- 5 double-blade swivel head
- 5a starting position for 5
- 5b shaving position for 5
- 6 steel blade
- 7 steel blade
- 8 adapter (Fig. 4-6)
- 9 clamping strip
- 10 receiving groove for 3
- 11 claw on 9
- 12 claw on 9
- 13 upper side of 9
- 14 clamping leg on 13
- 15 clamping leg on 13
- 16 peg on 14
- 17 peg on 14
- 18 recess in 5 to accommodate 16
- 19 recess in 5 to accommodate 17
- 20 spring tongue on 13 for 9
- 21-21 swivel axis for 5
- 22 manual razor (Fig. 4-6)
- 23 stanchion on 13 for 9
- 24 stanchion on 13 for 9
- 25 bearing shell on 23
- 26 bearing shell on 24
- 27 bearing segment on 5 for 22
- 28 bearing segment on 5 for 22
- 29 claw on 5 for 22
- 30 claw on 5 for 22
- 31 spring stirrup on 13 for 9
- 32 lower side of 5
- 33 driver on 32
- R restoring force
- a direction of acting of R in 1
- b, c sideways deflection of 31



Claims

1. Manual razor with an adapter for mounting of interchangeable double-blade swivel heads, wherein the adapter, fashioned in the form of a clamping strip, which is produced as a single injection molded piece of an elastic, shatterproof plastic, can be set into a receiving groove of a head piece formed on a handle, grasps the two ends of the head piece with elastically fashioned claws, and has fastening elements for the swiveled fastening of a double-blade swivel head, characterized in that on the upper side (13) of the clamping strip (9) of the adapter (4) there are formed two spaced-apart, perpendicular, elastically fashioned clamping legs (14, 15), each of which has at its free end an angled peg (16, 17), directed toward one end of the clamping strip (9), the two pegs (16, 17) of the clamping legs (14, 15) lock into corresponding recesses (18, 19) or boreholes of the mounted double-blade swivel head (5) in order to secure it to the adapter (4) and serve as journals for the swivel mounting of the double-blade swivel head (5), and between the two clamping legs (14, 15) a spring tongue (20) is formed on the upper side (13) of the clamping strip (9) of the adapter (4) in order to exert a restoring force (R) acting on the double-blade swivel head (5) perpendicular to its swivel axis (21-21).
2. Manual razor according to the preamble of claim 1, characterized in that there are formed on the upper side (13) of the clamping strip (9) of the adapter (4) two spaced-apart, perpendicular stanchions (23, 24) with bearing shells (25, 26) for the swiveled mounting of a double-blade swivel head (5), which is mounted with corresponding bearing segments (27, 28) so that it can swivel on the bearing shells (25, 26), the double-blade swivel head (5) is removably fastened to the adapter (4) by elastic claws (29, 30) molded on the head, which reach behind the bearing shells (25, 26), and between the stanchions (23, 24) with the bearing shells (25, 26) there is formed a spring stirrup (31) on the upper side (13) of the clamping strip (9) of the adapter (4), in order to exert a restoring force (R) acting on the double-blade swivel head (5) transversely to its swivel axis (21-21).